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C O N F I D E N T I A L PARIS FR 000319

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TAGS: [PREL](#) [UNESCO](#) [KWBG](#) [JO](#) [IS](#)
SUBJECT: JERUSALEM TAKES DECISION ON MUGHRABI GATE

REF: PARIS FR 00211

Classified by Charge Engelken for reasons 1.4 (b) and (d).

¶1. (C) Summary: The Jerusalem Planning Commission has taken a decision approving design plans for the reconstruction of the Mughrabi Gate, according to Israel's Ambassador to UNESCO. While appeals to the High Court in Israel are possible, the decision, once made public, will guarantee the start of a very negative media campaign, which will be played out before and during UNESCO's upcoming Executive Board in mid-April. End Summary.

¶2. (C) Charge met with Israeli Ambassador to UNESCO, David Kornbluth today to discuss several issues of common interest that included an update on the situation concerning the reconstruction of the Mughrabi Gate in Jerusalem. Kornbluth (Protect) informed us that he had just received this morning, March 4, a report saying that the Jerusalem Planning Commission had taken a decision to approve the design plans for the reconstruction of the Mughrabi Gate. Kornbluth said that the approved design took into account the comments from Israel's expert on the World Heritage Committee, Dr. Michael Turner, as well as World Heritage advisory bodies, and had, according to earlier reports from Turner, also incorporated major changes from the original Israeli design, including some elements proposed by Jordan. When pressed, Kornbluth made clear that he had no idea whether Jordan or the World Heritage Committee's advisory bodies will be satisfied with the outcome.

¶3. (C) Kornbluth explained that now that the Planning Commission has ruled, the process moves into its next phase, requiring the issuance of a building license before any construction may begin. Kornbluth said that at any point, an appeal to the High Court may be made by any of the 14 organizations that had registered objections during the hearing process. He said that, in order to be successful, they would have to demonstrate that the procedure followed for the hearing was wrong. Kornbluth added that Dr. Turner believes that any attempt to block action through the Court due to procedural error would be difficult, as the Planning Commission's hearings were unusually transparent and open, due to the political implications of the decision.

¶4. (C) Kornbluth did not believe that word of the Planning Commission's decision can be kept quiet for long. Once the news gets out, we can anticipate a flurry of media reaction against what will be portrayed as a unilateral Israeli decision. It is unclear what steps, if any, UNESCO may be able to take in advance of the April 14 Executive Board to defuse the situation. When we asked Kornbluth if any further "technical encounters" might be possible using UNESCO's good offices now that the Planning Commission had acted, he said that he doubted it, but did not know for sure.

¶5. (C) Whatever the outcome at the Executive Board, it is sure that the issue will also be discussed at the World Heritage Committee meeting in late June in Seville.

¶6. (C) Comment: The timing of this decision virtually guarantees that Middle East issues will bulk large on the agenda of the April

2009 Executive Board meeting. It had already been widely anticipated here that Arab members would submit resolutions on Gaza. An emotional discussion of the Mughrabi Gate looks virtually certain as well. To compound the problem, Ambassador Kornbluth reported that Director-General Matsuura believes UNESCO's usual negotiator for Middle East issues, Deputy Director-General Marcio Barbosa (Brazil), should not perform this role again at the April Board. While the Director-General did not explain his decision to Kornbluth, we expect it stems from Barbosa's ever more obvious intention to run for Director-General when Matsuura steps down. It is becoming increasingly difficult for Barbosa to separate his official actions from his personal ambitions. Ambassador Kornbluth informed us that he had suggested to the Director-General that recently retired Canadian PermRep Gilbert Laurin be recalled to act as Middle East facilitator at the Board. The Canadian Delegation has informed us that Laurin, whose diplomatic skills made a very favorable impression on us, has been approached by the Secretariat to take on this role. He is reportedly consulting with the Canadian Government on whether or not to accept.

ENGELKEN